

**REMARKS**

Claims 1-16 are all the claims pending in the present Application. Claim 1 has been amended to incorporate therein the subject matter of Claim 2. Claim 10 has been amended to incorporate therein the subject matter of Claims 14 and 16. Claims 2, 14 and 16 have been cancelled. Claim 3 has been amended to depend from Claim 1. No new matter has been added. Upon entry of this Amendment, Claims 1, 3-13, and 15 will be pending.

**Preliminary Matters**

At page 6 of the Office Action, the Examiner requests a copy of JP 48-38615, listed on the form PTO/SB/08 A & B filed with the present Application. As noted on the Application Transmittal filed with the present Application on March 3, 2005, the PTO/SB/08 A & B form listed the ISR/IPER references. A copy of the ISR was enclosed for the Examiner's convenience. Copies of the references are properly provided by the International Bureau. In any event, Applicants noted that U.S. Patent No. 3,927,144 to Hayashi corresponds to JP 48-38615. U.S. Patent No. 3,927,144 is relied upon by the Examiner in the present Action.

**Rejections Under 35 U.S.C. §§ 102(a) and (b)**

Claims 1 and 4-14 have been rejected under 35 U.S.C. §§ 102(a) and (b) as allegedly being anticipated by EP 1179561 ("EP '561"). Applicants respectfully traverse this rejection.

As mentioned above, Claim 2 has been cancelled and the feature of the invention recited therein has been recited in Claim 1. Additionally, Claims 14 and 16 have been cancelled and the features of the invention recited therein have been incorporated into independent Claim 10. As neither Claim 2 nor Claim 16 were included in this rejection, Applicants submit that this rejection has been rendered moot and withdrawal is requested.

**Rejection Under 35 U.S.C. § 103(a)**

Claims 1-14 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over EP '561 and, optionally, U.S. Patent Application No. 2002/0049294 to Shiina and/or EP 0 783 613 A1 ("EP '613").

Additionally, Claim 15 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over EP '561 and optionally Shiina and/or EP '613 and further in view of U.S. Patent No. 6,103,808 to Hashimoto, and Claim 16 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over EP '561 and optionally Shiina and/or EP '613 as applied above and further in view of U.S. Patent No. 3,927,144 to Hayashi.

Applicants respectfully traverse these rejections for the following reasons.

Claim 1 recites a tire characterized by using as a member, a rubber composition comprising a natural rubber or a diene base synthetic rubber, a silica having a nitrogen-absorbing specific surface area (N<sub>2</sub>SA) of 180 to 270 m<sup>2</sup>/g, 0.1 to 10.0 mass parts of a partial ester compound of maleic anhydride and a (poly)oxypropylene derivative per 100 mass parts of the rubber component described above, and at least one hydrazide compound. The hydrazide compound is selected from naphthoic acid hydrazides and salicylic acid hydrazides in an amount of 0.1 to 5.0 mass parts per 100 mass parts of the rubber component (a).

Independent Claim 10 recites a tire characterized by using as a tread rubber, a rubber composition comprising a rubber component comprising a conjugate diene base rubber, a filler comprising 10 mass % or more of silica based on the whole fillers, a partial ester compound of maleic anhydride and a (poly)oxypropylene derivative, and at least one resin selected from a petroleum base resin having a softening point of 30 to 150°C and an  $\alpha$ -olefin base resin.

EP '561 discloses that by "using the additive for a rubber composition and the additive composition for a rubber composition according to the invention, the processability of an uncured rubber composition is improved without degrading the properties of a cured rubber composition." It is further disclosed that "in case of the rubber composition containing natural rubber, the productivity and processability are improved without decreasing the molecular weight of rubber and also the surface states of uncured and cured rubbers are stable without problems." *See*, paragraph [0078].

On the contrary, Shiina teaches improved physical properties of the low heat generating property, heat resistance and abrasion resistance. *See*, paragraph [0189].

Accordingly, Applicants submit that the object and effect of EP '561 are completely different from those of Shiina and therefore there would be no reason to combine EP '561 and Shiina.

Further, EP '613 discloses rubber compositions containing silica.

With respect to amended Claim 10, the object and effect of this claimed embodiment of the present invention is to improve both driving stability and wet gripping property. *See*, page 37 of the specification.

EP '561 and Shiina have been discussed above. Hayashi discloses rubber compositions containing cyclopentadiene resin which improves the cut resistance of their compositions.

Thus, there is no relation between the objects and effects of EP '561 and Hayashi.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.


Respectfully submitted,

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